



UNITED STATES PATENT AND TRADEMARK OFFICE

Chief Financial Officer and Chief Administrative Officer

December 09, 2009

TO: 5th 3rd Bank – Merchant Services
Attn: Chargeback Area

**COPY FOR YOUR
INFORMATION**

FROM: *DML* Douglas M. Lindsey

SUBJECT: Request for Information

We have now received a second request for information from your office stating that the cardholder still has questions concerning a \$ 980.00 credit card charge processed with the U.S. Patent and Trademark Office (USPTO) over the Internet on September 17, 2009 and requests additional support.

To review, it appears that Marc K. Wallack, the cardholder and listed co-inventor of the patent, or possibly the law firm of Kenyon & Kenyon LLP and using the credit card information of the Marc K. Wallack to process the sale submitted payment for a patent maintenance fee to the USPTO over the Internet on September 17, 2009. The payment was for a **MAINTENANCE FEE DUE AT 3.5 YEARS**. The patent number associated with the submission was **7015205**. The patent application number associated with the submission was **09691504**. The title of the invention associated with the submission was **"MELANOMA VACCINE AND METHODS OF MAKING AND USING SAME"**. I have again attached (corrected) information associated with the patent here.

As stated in my first response, the USPTO's refund policy concerning patent related matters states that once a customer submits payment for services to the USPTO the funds to pay for those services will not be refunded as the payment constitutes a processing fee. Charges payable to the United States Patent and Trademark Office are required to be paid in advance; that is, at the time of requesting any action by the Office for which a fee or charge is payable

Simply put, it is not clear what is troubling the cardholder here. It is noted that in my first response I provided the incorrect title of the invention and application number. Hopefully that is all that is troubling the cardholder.

Upon receiving the second request for information concerning this matter I contacted the CHARGEBACK Area to see if they could provide additional information concerning the nature of the customer's request. They deduced from the Reason from the first request (payment made directly to the merchant) that it was possible a second payment was made by the cardholder. The only sale processed against the customer's credit from January 01, 2007 to present is the \$ 980.00 sale in question. If a second



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payment was made to the USPTO, the funds were not processed against either the patent or application number in question. I therefore would need the customer to contact me and provide me with financial information concerning the second payment.

Whatever the issue is, it can probably be resolved more quickly if the customer contacts me directly and explains what troubles him. I (Douglas Lindsey) can be reached in the USPTO's Office of Finance at (571) 272-6344.

The USPTO again requests that the CHARGEBACK AREA and Credit Card Company take no action concerning refunding the cardholder as the charge in question appears to be appropriate and the owner of the patent and cardholder's wish. Again, as anyone can make payment for a patent maintenance fee, the funds as explained above are not refundable by law.

Reference USPTO **CHARGEBACK NOV 10-09 (2nd response)**

Reference CHARTS number **9318400108-02**

MD-901
Merchant Services (MOC)
5050 Kingsley Drive, MD 1MOC2U-4050
Cincinnati, OH 45263-5300

Date 12/22/09

U S PATENT AND TRADEMARK OFFIC
2051 JAMIESON AVE STE 3000
ALEXANDRIA VA 22314

To: U S PATENT AND TRADEMARK OFFIC
4445000639658

* MERCHANT SERVICES *
* ADVICE OF CHARGEBACK *

Your checking account has been adjusted for the following
bankcard chargeback.

Amount: \$980.00 DR Cardholder Account Number: 3715-59XX-XXX1-005

Comments: Re-sent doc 12/22/09-Will attempt reversal

Tran Date: 09/17/09 Store / Terminal Number: 000000001

Process Date: 09/18/09 Register / Sequence Number: 0000

Charts #: 9318400108 Draft / Ticket Number: 70006405937

Reason: ACR04 -Ch claims not addressed in rebutta

To request a reversal of this chargeback, please provide a copy of this form
and as much of the following information/documentation as possible by 01/01/10:

LEGIBLE COPY OF SALES DRAFT, IF NOT ALREADY SUPPLIED, INCLUDING IMPRINT
OR MAG STRIPE INDICATOR, TRANSACTION AMOUNT, EXPIRATION DATE, AUTH CODE,
MERCHANT NAME/LOCATION, MERCHANDISE DESCRIPTION, CARDHOLDER SIGNATURE,
AND OTHER DOCUMENTATION THAT MIGHT HELP THE CUSTOMER ACCEPT THE CHARGE.

In order to have an opportunity to reverse this chargeback, we must receive
this form and all of the above documentation by 01/01/10. Please send to:
Merchant Services (MOC), 5050 Kingsley Drive, MD 1MOC2U, Cincinnati OH
45263-5300, or FAX to (513) 534-3450. Please call (800) 585-5313 if you have
any questions about this chargeback. Thank you for your business and your
cooperation.

For Merchant Services use only:

By: #320231 Ref Nbr: 9999999-9261-92075676639-9

Rpt Date: 12/03/09
Usage Code:

Lindsey, Doug

From: Lindsey, Doug
Sent: Wednesday, December 30, 2009 1:48 PM
To: Le, Tammy
Subject: CHARGEBACK CB NOV 10-09 MF second response
Attachments: LETTERHEAD NEW 200462141 (2) (2) (15) (4) (4) (3) (4) (4) (4) (5) (8) (8) (2) (3).doc

Concerning the \$ 980.00 chargeback for the maintenance fee for 7015205, I contacted Kenyon & Kenyon. Josephine Hardy informed me that the law firm no longer represented St Judes Medical or Marc Wallack and had no forwarded address.

Do what you must. I will forward backup it IFW for documentation.

Douglas M. Lindsey
U.S. Patent & Trademark Office
Office of Finance - RAD
RAM Administration
W (571) 272-6344
doug.lindsey@uspto.gov

12/30/09